

CADES SCHUTTE  
A Limited Liability Law Partnership

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Attorney for Defendant  
BANK OF AMERICA CORPORATION

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

BRIDGET DIAS, an individual,

Plaintiff,

v.

QUICKEN LOANS INC., a Michigan  
corporation; BANK OF AMERICA  
CORPORATION, a Delaware Banking  
corporation formerly known as  
COUNTRYWIDE BANK FSB; and  
DOES 1-100, inclusive,

Defendants.

CIVIL NO. CV10-00463 DAE-LEK

DEFENDANT BANK OF  
AMERICA CORPORATION'S  
RULE 16 SCHEDULING  
CONFERENCE STATEMENT;  
CERTIFICATE OF SERVICE

Scheduling Conference:

Date: November 8, 2010

Time: 9:00 a.m.

Judge: Honorable Leslie A.  
Kobayashi

**DEFENDANT BANK OF AMERICA CORPORATION'S  
SCHEDULING CONFERENCE STATEMENT**

Pursuant to Local Rule 16.2(b), Defendant Bank of America Corporation  
("BofA"), through its attorneys Cades Schutte LLP, submits the following  
scheduling conference statement.

## **I. STATEMENT OF THE CASE**

This case relates to a loan in the amount of \$286,400.00 that Plaintiff BRIDGET DIAS (“Plaintiff”) obtained from Defendant QUICKEN LOANS, INC. on December 9, 2005 and a loan in the amount of \$61,000.00 that Plaintiff obtained from Countrywide Home Loans (“Countrywide”) on October 13, 2006. In a shotgun approach that has become commonplace for borrowers attempting to stall foreclosures, Plaintiff’s complaint asserts seventeen federal and state claims relating to the mortgage loans. The only apparent basis for which Plaintiff has sued BofA is the conclusory allegation that Countrywide was acquired by BofA. On that basis and because none of the causes of action pled state a viable claim upon which relief could be granted, BofA has filed a motion to dismiss the complaint, which is discussed below.

## **II. JURISDICTION AND VENUE**

This action was purportedly brought under 15 U.S.C. § 1601 et seq., 12 U.S.C. § 1635, 15 U.S.C. § 1640, Title 12, and Regulation Z, Part 226 et seq., Title 24 C.F.R., Regulation X, part 3500. Plaintiff also asserts that there is diversity jurisdiction. Venue is proper under 28 U.S.C. § 1391(b) because a substantial part of the alleged events giving rise to the claim occurred in the State of Hawaii.

## **III. JURY DEMAND**

Plaintiff has not demanded a jury trial.

**IV. APPROPRIATENESS, EXTENT AND TIMING OF DISCLOSURES**

BofA agrees to the standard disclosure requirements.

**V. DISCOVERY COMPLETED, DISCOVERY IN PROGRESS, MOTIONS PENDING**

No discovery has been completed and none is in progress. BofA filed a Motion to Dismiss on October 26, 2010 (the "Motion"). The hearing on the Motion has been scheduled for January 25, 2011 at 10:30 a.m.

**VI. SPECIAL PROCEDURES**

No special procedures are being requested at this time.

**VII. RELATED CASES**

BofA is not aware of any related cases.

**VIII. OTHER MATTERS**

BofA is not aware of any other matters.

DATED: Honolulu, Hawaii, November 1, 2010.

CADES SCHUTTE  
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/s/ Patricia J. McHenry  
PATRICIA J. MCHENRY  
Attorney for Defendant  
BANK OF AMERICA CORPORATION